

ESTTA Tracking number: **ESTTA774982**

Filing date: **10/05/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Carol Cole Company
Granted to Date of previous extension	10/05/2016
Address	1325 Sycamore Ave, Suite A Vista, CA 92081 UNITED STATES
Attorney information	Joshua J. Richman IPLA, LLP 4445 Eastgate Mall, Suite 200 San Diego, CA 92121 UNITED STATES litigation@ipla.com

Applicant Information

Application No	86676758	Publication date	06/07/2016
Opposition Filing Date	10/05/2016	Opposition Period Ends	10/05/2016
Applicant	Tong Yongchao No. 8 Yanbu Avenue, Nanhai Foshan, Guangdong, CHINA		

Goods/Services Affected by Opposition


Class 010. First Use: 2009/09/16 First Use In Commerce: 2009/09/16 All goods and services in the class are opposed, namely: Cases fitted for medical instruments and/or for use by doctors; Medical devices for Kegel exercises, namely, pelvic floor exercisers for use to treat symptoms of urinary incontinence and for therapeutic purposes; Medical devices for monitoring oxygenometry, gas analysis, vital signs, blood properties and respiratory events and software sold as a unit therewith; Medical instruments, namely, orthopedic apparatus and instruments for diagnostic and therapeutic use; Needles for medical purposes; Oxygen concentrators for medical applications; Sterilization units for medical purposes; Surgical and medical apparatus and instruments for use in general surgery; Ultraviolet radiator units for therapeutic purposes; Vaporizers for medical purposes; X-ray apparatus for medical use
--


Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
No use of mark in commerce before application or amendment to allege use was filed	Trademark Act Sections 1(a) and (c)
Applicant not rightful owner of mark for identified	Trademark Act Section 1

goods or services	
-------------------	--

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3067256	Application Date	01/04/2005
Registration Date	03/14/2006	Foreign Priority Date	NONE
Word Mark	NUFACE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 010. First use: First Use: 2004/05/05 First Use In Commerce: 2004/05/05 FACIAL TONING MACHINES FOR COSMETIC USE, NAMELY, A FACIAL STIMULATOR WHICH UTILIZES A MICROCURRENT TO STRENGTHEN FACIAL MUSCLES THUS LIFTING THE FACE FOR IMMEDIATE RESULTS		

U.S. Registration No.	4093205	Application Date	01/20/2011
Registration Date	01/31/2012	Foreign Priority Date	NONE
Word Mark	NUFACE BY CAROL COLE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 003. First use: First Use: 2005/06/30 First Use In Commerce: 2005/06/30 Non-medicated skin care preparations		

U.S. Registration No.	4627113	Application Date	05/29/2013
Registration Date	10/28/2014	Foreign Priority Date	NONE
Word Mark	NUFACE TRINITY		

Design Mark	NUFACE TRINITY
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2011/11/00 First Use In Commerce: 2011/11/00 Skin toning machines for cosmetic use

Attachments	76626931#TMSN.png(bytes) 85222622#TMSN.png(bytes) 85945154#TMSN.png(bytes) 2016-10-05- NOO - NEWFACE Design - Final.pdf(269042 bytes) Exhibit A.pdf(1596097 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Joshua J. Richman/
Name	Joshua J. Richman
Date	10/05/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Carol Cole Company,

Opposer,

v.

Tong Yongchao,

Applicant.

)
) Opposition No. _____
)

) Mark:
)



) (“NEWFACE & Design”)
)

) Serial No.: [86676758](#)
)

) Filing Date: June 29, 2015
)

) Published: June 7, 2016
)

NOTICE OF OPPOSITION

Carol Cole Company (“**Opposer**”), a California corporation with its principal place of business at 1325 Sycamore Avenue, Suite A, Vista, California 92081, believes that it would be damaged by issuance of a registration for the following trademark as applied for in Application Serial No. [86676758](#) (the “**Application**”) by Tong Yongchao (the “**Applicant**”):



Accordingly, Opposer, by and through its attorneys, opposes the Application on the grounds set forth herein.

BACKGROUND

1. Opposer is a leading provider of facial toning devices for cosmetic use. Since at least as early as May 2004, Opposer has continuously used the distinctive trademark NUFACE® in connection with facial toning devices, and related products, to consumers located throughout the United States.

2. Opposer owns the following United States Trademark Registrations that comprise or contain the trademark NUFACE (“**Opposer’s Registrations**”):


Mark	Reg. No.	Filing Date	Registration Date
NUFACE	3067256	January 4, 2005	March 14, 2006
NUFACE BY CAROL COLE	4093205	January 20, 2011	January 31, 2012
NUFACE TRINITY	4627113	May 29, 2013	October 28, 2014

True and correct copies of Opposer’s Registrations are enclosed as **Exhibit A**, along with true and correct printouts from the USPTO’s electronic database showing the current status and title of Opposer’s Registrations.

3. The products that Opposer sells under the registered trademarks NUFACE®, NUFACE TRINITY®, and NUFACE BY CAROL COLE® have been marketed and sold throughout the United States on Opposer’s online retail store located at <http://mynuface.com>, third-party online retail stores, and brick and mortar retail stores including Nordstrom, Neiman Marcus, Barneys, Ulta, Sephora, and Bloomingdales. Opposer’s products are also available for purchase by consumers through certain luxury spas and physician offices, where professional versions of the NUFACE® branded devices are utilized by estheticians.

4. As a result of Opposer’s longstanding use, extensive advertising, and promotion of its goods under the NUFACE®, NUFACE TRINITY®, and NUFACE BY CAROL COLE® trademarks, and a reputation that it has built for outstanding high quality products, Opposer has built considerable goodwill in its NUFACE mark.

5. On June 29, 2015, Applicant filed the Application to register the following trademark on the Principal Register:

Mark	Ser. No.	Class/Goods
	86676758	Class 10: Cases fitted for medical instruments and/or for use by doctors; Medical devices for Kegel exercises, namely, pelvic floor exercisers for use to treat symptoms of urinary incontinence and for therapeutic purposes; Medical devices for monitoring oxymetry [sic], gas analysis, vital signs, blood properties and respiratory events and software sold as a unit therewith; Medical instruments, namely, orthopedic apparatus and instruments for diagnostic and therapeutic use; Needles for medical purposes; Oxygen concentrators for medical applications; Sterilization units for medical purposes; Surgical and medical apparatus and instruments for use in general surgery; Ultraviolet radiator units for therapeutic purposes; Vaporizers for medical purposes; X-ray apparatus for medical use

The Application was published for opposition in the Official Gazette on June 7, 2016. On June 29, 2016, Opposer filed a 90 Day Request for Extension of Time to Oppose, which was granted on that same day, resulting in a deadline of October 5, 2016 to oppose. Accordingly, this Notice of Opposition is timely filed.

COUNT I – LIKELIHOOD OF CONFUSION [15 U.S.C. § 1052(d)]

6. Opposer repeats and re-alleges paragraphs 1 through 5, as though fully set forth herein.

7. Opposer's rights in the trademarks NUFACE®, NUFACE TRINITY®, and NUFACE BY CAROL COLE® are senior to any rights that Applicant may allege to have in its

NEWFACE & Design mark because Opposer's Registrations registered before the filing date of the Application.

8. The following goods claimed in the Application are similar to those listed in Opposer's Registrations and are offered in the same or similar commercial channels as Opposer's products:

Class 10: Cases fitted for medical instruments and/or for use by doctors; [...]
Medical instruments, namely, orthopedic apparatus and instruments for diagnostic and therapeutic use; [...] Ultraviolet radiator units for therapeutic purposes; [...]

9. Applicant's NUFACE & Design mark so resembles Opposer's registered NUFACE®, NUFACE TRINITY®, and NUFACE BY CAROL COLE® marks in sight, sound, meaning, and commercial impression, as to be likely, when applied to the goods identified in the previous paragraph, to cause confusion or mistake or to deceive, or to create the false impression that Applicant's goods are provided by, related to, endorsed by, or associated with Opposer, or otherwise cause injury to Opposer's rights in its NUFACE and NUFACE TRINITY marks, in violation of Lanham Act §2(d) (15 U.S.C. §1052(d)), with consequent damage to Opposer and the public.

10. For the foregoing reasons, the Application should be denied registration with respect to the following goods:

Class 10: Cases fitted for medical instruments and/or for use by doctors; [...]
Medical instruments, namely, orthopedic apparatus and instruments for diagnostic and therapeutic use; [...] Ultraviolet radiator units for therapeutic purposes; [...]

COUNT II – NO BONA FIDE USE [15 U.S.C. § 1051(a)]

11. Opposer repeats and re-alleges paragraphs 1 through 10, as though fully set forth herein.

12. On information and belief, the Applicant was not using the NEWFACE & Design mark on all of the goods recited in the Application as of the Application filing date.

13. The specimens submitted with the Application on June 29, 2015 do not appear to reflect use of the NEWFACE & Design mark in connection with any of the goods claimed in Class 10. The specimens therefore do not demonstrate use of the mark in connection with any of the goods claimed in the Application. On information and belief, Applicant was not using the NEWFACE & Design mark in United States commerce, for any of the goods identified in Class 10, as of the filing date of the Application.

14. The substitute specimens submitted on April 11, 2016 do not appear to reflect use of the NEWFACE & Design mark in connection with any of the goods claimed in Class 10. The specimens therefore do not demonstrate use of the mark in connection with any of the goods claimed in the Application. On information and belief, Applicant was not using the NEWFACE & Design mark in commerce, for any of the goods identified in Class 10, as of the filing date of the Application, or as of April 11, 2016.

15. As a result of the foregoing, and upon information and belief, Applicant made no bona fide use of the NEWFACE & Design mark in commerce prior to the filing of the use-based application for its registration. Therefore, the Application should be denied registration under 15 U.S.C. § 1051(a).

COUNT III – NOT RIGHTFUL OWNER [15 U.S.C. § 1051(a)]

16. Opposer repeats and re-alleges paragraphs 1 through 15, as though fully set forth herein.

17. None of the specimens submitted in support of the Application reflect Applicant as the true owner of the NEWFACE & Design mark, or that Applicant has ever used the mark in commerce.

18. On information and belief, the true owner of the NEWFACE & Design mark is either Foshan Nanhai Newface Beauty Instrument Factory, a Chinese company, or Hong Kong Newface International Industry Limited, a Hong Kong entity.

19. Foshan Nanhai Newface Beauty Instrument Factory is owner of the NEWFACE & Design mark, according to the company's website:

<http://www.novanewface.com/about/i=5&comContentId=5.html>

This entity is also reflected as the "Shipper / Exporter" in an invoice submitted to the USPTO as a specimen with the Application.

20. However, another entity, Hong Kong Newface International Industry Limited has applied to register the NEWFACE & Design mark in Hong Kong. Opposer has opposed registration of that application in Hong Kong.

21. For the foregoing reasons, Applicant is not the correct owner of the NEWFACE & Design mark. Because Applicant is not the correct owner of the trademark, registration should be refused under 15 U.S.C. § 1051(a).

(intentionally blank)

WHEREFORE, it is respectfully requested that this opposition be sustained on each of the grounds indicated above and that Applicant's Application be denied registration.

Dated: October 5, 2016

Respectfully submitted,

/Joshua J. Richman/

Joshua J. Richman

Kristin G. Strojan

IPLA, LLP

4445 Eastgate Mall, Suite 200

San Diego, CA 92121

Phone: (858) 272-0220

litigation@ipla.com

Attorneys for Opposer, Carol Cole Company

Certificate of Service

I hereby certify that on October 5, 2016, a copy of the foregoing was sent by U.S. mail to the following correspondent of record:

ZHOU EMEI
616 CORPORATE WAY, SUITE 2-5451
VALLEY COTTAGE, NEW YORK 10989

/Amanda Costa/

Exhibit A

1. TSDR is experiencing intermittent issues displaying certain documents. The issue is being addressed.

2. The Trademark organization is beta testing a next generation examination system. As a result, there may be instances where Office actions have unexpected formatting or spacing issues. The Office is working on improvements to resolve these issues and appreciates your patience. Please contact us at [TMFeedback](#) if you have comments or issues with the appearance of a particular Office action or its attachments.

STATUS **DOCUMENTS**[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2016-10-05 19:07:35 EDT

Mark: NUFACE

NUFACE

US Serial Number: 76626931

Application Filing Date: Jan. 04, 2005

US Registration Number: 3067256

Registration Date: Mar. 14, 2006

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: The registration has been renewed.

Status Date: Mar. 31, 2015

Publication Date: Dec. 20, 2005

Mark Information

Mark Literal Elements: NUFACE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration [1229468](#)**Number:****International Application(s)** [A0044934/1229468](#)**/Registration(s) Based on this****Property:**

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: FACIAL TONING MACHINES FOR COSMETIC USE, NAMELY, A FACIAL STIMULATOR WHICH UTILIZES A MICROCURRENT TO STRENGTHEN FACIAL MUSCLES THUS LIFTING THE FACE FOR IMMEDIATE RESULTS

International Class(es): 010 - Primary Class**U.S Class(es):** 026, 039, 044**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** May 05, 2004**Use in Commerce:** May 05, 2004

Basis Information (Case Level)

Filed Use: Yes**Currently Use:** Yes**Amended Use:** No**Filed ITU:** No**Currently ITU:** No**Amended ITU:** No**Filed 44D:** No**Currently 44D:** No**Amended 44D:** No**Filed 44E:** No**Currently 44E:** No**Amended 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No

Current Owner(s) Information

Owner Name: CAROL COLE COMPANY**Owner Address:** 1325 Sycamore Avenue
Suite A

Vista, CALIFORNIA UNITED STATES 92081

Legal Entity Type: CORPORATION

State or Country Where
Organized: CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joshua J. Richman

Attorney Primary Email trademarks@ipla.com

Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Joshua J. Richman

Name/Address: IP LEGAL ADVISORS, P.C.

4445 Eastgate Mall

Suite 200

SAN DIEGO, CALIFORNIA UNITED STATES 92121

Phone: 8582720220

Fax: 8582720221

Correspondent e-mail: trademarks@ipla.comCorrespondent e-mail
Authorized: Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2015	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
Mar. 31, 2015	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	74886
Mar. 31, 2015	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	74886
Mar. 31, 2015	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	74886
Mar. 16, 2015	TEAS SECTION 8 & 9 RECEIVED	
Mar. 14, 2015	COURTESY REMINDER - SEC. 8 (10-YR)/SEC. 9 E-MAILED	
Feb. 12, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 12, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Apr. 07, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	

Apr. 07, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69471
Apr. 07, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69471
Mar. 14, 2012	TEAS SECTION 8 & 15 RECEIVED	
May 26, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
May 26, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 16, 2008	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Apr. 10, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Apr. 10, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 14, 2006	REGISTERED-PRINCIPAL REGISTER	
Dec. 20, 2005	PUBLISHED FOR OPPOSITION	
Nov. 30, 2005	NOTICE OF PUBLICATION	
Oct. 28, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Oct. 14, 2005	ASSIGNED TO LIE	70138
Oct. 12, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 04, 2005	PREVIOUS ALLOWANCE COUNT WITHDRAWN	
Sep. 12, 2005	WITHDRAWN FROM PUB - OG REVIEW QUERY	77908
Aug. 24, 2005	LAW OFFICE PUBLICATION REVIEW COMPLETED	70138
Aug. 19, 2005	ASSIGNED TO LIE	70138
Aug. 17, 2005	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 16, 2005	TEAS/EMAIL CORRESPONDENCE ENTERED	69350
Aug. 12, 2005	CORRESPONDENCE RECEIVED IN LAW OFFICE	69350
Aug. 12, 2005	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 05, 2005	NON-FINAL ACTION MAILED	
Aug. 05, 2005	NON-FINAL ACTION WRITTEN	78067
Aug. 05, 2005	ASSIGNED TO EXAMINER	78067
Jan. 21, 2005	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Mar. 14, 2016

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE

Date in Location: Mar. 31, 2015

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

Int. Cl.: 10

Prior U.S. Cls.: 26, 39 and 44

United States Patent and Trademark Office

Reg. No. 3,067,256

Registered Mar. 14, 2006

**TRADEMARK
PRINCIPAL REGISTER**

NUFACE

SKIN STAR INC (CALIFORNIA CORPORATION)
147 BASIL ST.
LEUCADIA, CA 92024

FOR: FACIAL TONING MACHINES FOR COSMETIC USE, NAMELY, A FACIAL STIMULATOR WHICH UTILIZES A MICROCURRENT TO STRENGTHEN FACIAL MUSCLES THUS LIFTING THE FACE FOR IMMEDIATE RESULTS , IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 5-5-2004; IN COMMERCE 5-5-2004.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 76-626,931, FILED 1-4-2005.

ERNEST SHOSHO, EXAMINING ATTORNEY

1. TSDR is experiencing intermittent issues displaying certain documents. The issue is being addressed.

2. The Trademark organization is beta testing a next generation examination system. As a result, there may be instances where Office actions have unexpected formatting or spacing issues. The Office is working on improvements to resolve these issues and appreciates your patience. Please contact us at [TMFeedback](#) if you have comments or issues with the appearance of a particular Office action or its attachments.

STATUS **DOCUMENTS**[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2016-10-05 19:09:07 EDT

Mark: NUFACE BY CAROL COLE

NUFACE BY CAROL COLE

US Serial Number: 85222622

Application Filing Date: Jan. 20, 2011

US Registration Number: 4093205

Registration Date: Jan. 31, 2012

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Jan. 31, 2012

Publication Date: Nov. 15, 2011

Mark Information

Mark Literal Elements: NUFACE BY CAROL COLE

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark identifies "Carol Cole", whose consent(s) to register is made of record.

Related Properties Information

International Registration [1086333](#)

Number:

International Application(s) [A0025457/1086333](#)

/Registration(s) Based on this

Property:

Claimed Ownership of US [3067256](#), [3479514](#)

Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Non-medicated skin care preparations

International Class(es): 003 - Primary Class

U.S Class(es): 001, 004, 006, 050, 051, 052

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 30, 2005

Use in Commerce: Jun. 30, 2005

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: Carol Cole Company

Owner Address: 1325 Sycamore Avenue
Suite A
Vista, CALIFORNIA UNITED STATES 92081

Legal Entity Type: CORPORATION **State or Country Where Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joshua J. Richman

Attorney Primary Email Address: trademarks@ipla.com **Attorney Email Authorized:** No

Correspondent

Correspondent Name/Address: JOSHUA J. RICHMAN
IP LEGAL ADVISORS, P.C.
4445 EASTGATE MALL
SUITE 200
SAN DIEGO, CALIFORNIA UNITED STATES 92121

Phone: 8582720220 **Fax:** 8582720221

Correspondent e-mail: trademarks@ipla.com **Correspondent e-mail Authorized:** Yes

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Feb. 12, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 12, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Jan. 31, 2012	REGISTERED-PRINCIPAL REGISTER	
Nov. 15, 2011	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	

Nov. 15, 2011	PUBLISHED FOR OPPOSITION	
Oct. 26, 2011	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Oct. 11, 2011	LAW OFFICE PUBLICATION REVIEW COMPLETED	70633
Oct. 07, 2011	APPROVED FOR PUB - PRINCIPAL REGISTER	
Oct. 06, 2011	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
Oct. 05, 2011	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Oct. 05, 2011	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 30, 2011	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 26, 2011	ATTORNEY REVOKED AND/OR APPOINTED	
May 26, 2011	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 19, 2011	COMBINED EXAMINER'S AMENDMENT/PRIORITY ACTION ENTERED	70633
Apr. 19, 2011	ASSIGNED TO LIE	70633
Apr. 19, 2011	NOTIFICATION OF EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Apr. 19, 2011	EXAMINER'S AMENDMENT/PRIORITY ACTION E-MAILED	6326
Apr. 19, 2011	EXAMINERS AMENDMENT AND/OR PRIORITY ACTION - COMPLETED	76582
Apr. 13, 2011	ASSIGNED TO EXAMINER	76582
Jan. 25, 2011	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jan. 24, 2011	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Jan. 31, 2012

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

United States of America

United States Patent and Trademark Office

NUFACE BY CAROL COLE

Reg. No. 4,093,205

Registered Jan. 31, 2012

Int. Cl.: 3

TRADEMARK

PRINCIPAL REGISTER

CAROL COLE COMPANY (CALIFORNIA CORPORATION)
3146 TIGER RUN CT., #109
CARLSBAD, CA 92010

FOR: NON-MEDICATED SKIN CARE PREPARATIONS, IN CLASS 3 (U.S. CLS. 1, 4, 6, 50, 51 AND 52).

FIRST USE 6-30-2005; IN COMMERCE 6-30-2005.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,067,256 AND 3,479,514.

THE NAME(S), PORTRAIT(S), AND/OR SIGNATURE(S) SHOWN IN THE MARK IDENTIFIES "CAROL COLE", WHOSE CONSENT(S) TO REGISTER IS MADE OF RECORD.

SER. NO. 85-222,622, FILED 1-20-2011.

BRIDGETT SMITH, EXAMINING ATTORNEY



David J. Kyfos

Director of the United States Patent and Trademark Office

1. TSDR is experiencing intermittent issues displaying certain documents. The issue is being addressed.

2. The Trademark organization is beta testing a next generation examination system. As a result, there may be instances where Office actions have unexpected formatting or spacing issues. The Office is working on improvements to resolve these issues and appreciates your patience. Please contact us at [TMFeedback](#) if you have comments or issues with the appearance of a particular Office action or its attachments.

STATUS **DOCUMENTS**[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2016-10-05 19:10:41 EDT

Mark: NUFACE TRINITY

NUFACE TRINITY

US Serial Number: 85945154

Application Filing Date: May 29, 2013

US Registration Number: 4627113

Registration Date: Oct. 28, 2014

Register: Principal

Mark Type: Trademark

TM5 Common Status

Descriptor:



LIVE/REGISTRATION/Issued and Active

The trademark application has been registered with the Office.

Status: Registered. The registration date is used to determine when post-registration maintenance documents are due.

Status Date: Oct. 28, 2014

Publication Date: Aug. 12, 2014

Mark Information

Mark Literal Elements: NUFACE TRINITY

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

International Registration [1184432](#)

Number:

International Application(s) [A0039093/1184432](#)
/Registration(s) Based on this

Property:

Claimed Ownership of US [3067256](#), [4093205](#)
Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Skin toning machines for cosmetic use**International Class(es):** 010 - Primary Class**U.S Class(es):** 026, 039, 044**Class Status:** ACTIVE**Basis:** 1(a)**First Use:** Nov. 2011**Use in Commerce:** Nov. 2011

Basis Information (Case Level)

Filed Use: Yes**Currently Use:** Yes**Amended Use:** No**Filed ITU:** No**Currently ITU:** No**Amended ITU:** No**Filed 44D:** No**Currently 44D:** No**Amended 44D:** No**Filed 44E:** No**Currently 44E:** No**Amended 44E:** No**Filed 66A:** No**Currently 66A:** No**Filed No Basis:** No**Currently No Basis:** No

Current Owner(s) Information

Owner Name: Carol Cole Company

Owner Address: 1325 Sycamore Avenue
Suite A
Vista, CALIFORNIA UNITED STATES 92081

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Joshua J. Richman

Attorney Primary Email trademarks@ipla.com
Address:

Attorney Email Authorized: Yes

Correspondent

Correspondent JOSHUA J. RICHMAN
Name/Address: IP LEGAL ADVISORS, P.C.
4445 EASTGATE MALL STE 200
SAN DIEGO, CALIFORNIA UNITED STATES 92121-1979

Phone: 8582720220

Fax: 8582720221

Correspondent e-mail: trademarks@ipla.com

Correspondent e-mail Yes
Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Oct. 28, 2014	REGISTERED-PRINCIPAL REGISTER	
Aug. 12, 2014	OFFICIAL GAZETTE PUBLICATION CONFIRMATION E-MAILED	
Aug. 12, 2014	PUBLISHED FOR OPPOSITION	
Jul. 23, 2014	NOTIFICATION OF NOTICE OF PUBLICATION E-MAILED	
Jul. 08, 2014	LAW OFFICE PUBLICATION REVIEW COMPLETED	68602
Jul. 08, 2014	ASSIGNED TO LIE	68602
Jun. 19, 2014	APPROVED FOR PUB - PRINCIPAL REGISTER	
Apr. 16, 2014	TEAS/EMAIL CORRESPONDENCE ENTERED	88889

Apr. 15, 2014	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
Apr. 15, 2014	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Feb. 12, 2014	APPLICANT/CORRESPONDENCE CHANGES (NON-RESPONSIVE) ENTERED	88888
Feb. 12, 2014	TEAS CHANGE OF OWNER ADDRESS RECEIVED	
Oct. 15, 2013	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Oct. 15, 2013	NON-FINAL ACTION E-MAILED	6325
Oct. 15, 2013	NON-FINAL ACTION WRITTEN	76731
Sep. 12, 2013	ASSIGNED TO EXAMINER	76731
Jun. 08, 2013	NOTICE OF PSEUDO MARK E-MAILED	
Jun. 07, 2013	NEW APPLICATION OFFICE SUPPLIED DATA ENTERED IN TRAM	
Jun. 01, 2013	NEW APPLICATION ENTERED IN TRAM	

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: PUBLICATION AND ISSUE SECTION

Date in Location: Oct. 28, 2014

Assignment Abstract Of Title Information - Click to Load

Proceedings - Click to Load

United States of America

United States Patent and Trademark Office

NUFACE TRINITY

Reg. No. 4,627,113

Registered Oct. 28, 2014

Int. Cl.: 10

TRADEMARK

PRINCIPAL REGISTER

CAROL COLE COMPANY (CALIFORNIA CORPORATION)
1325 SYCAMORE AVENUE
SUITE A
VISTA, CA 92081

FOR: SKIN TONING MACHINES FOR COSMETIC USE, IN CLASS 10 (U.S. CLS. 26, 39 AND 44).

FIRST USE 11-0-2011; IN COMMERCE 11-0-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,067,256 AND 4,093,205.

SER. NO. 85-945,154, FILED 5-29-2013.

DARRYL SPRUILL, EXAMINING ATTORNEY



Michelle K. Lee

Deputy Director of the United States
Patent and Trademark Office